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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/547,198

08/26/2005

Ingolf Matthies

P30,800 USA

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EXAMINER

KELLER, MICHAEL J

ART UNIT

PAPER NUMBER

4136

MAIL DATE

DELIVERY MODE

04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/547,198	Applicant(s) MATTHIES, INGOLF	
	Examiner Michael J. Keller	Art Unit 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/26/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the limitation "the coated surface" in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 21, 23-26, 28, 35-37, 39-42, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz (U.S. Patent 6,260,906).** Buchholz discloses [claim 21] a sealing strip for mounting on a vehicle frame structure (37 Fig. 6) and cooperating with a window pane (44) which can be pivoted between an open and a closed position, the sealing strip comprising: an elongated body having a substantially U-shaped cross-section (Fig. 6), defining a hollow space that receives a portion of the

window pane when the window pane is in the closed position (Fig. 8), and having a curvature that is dependent upon the frame structure (Fig. 1), said body further comprising first and second molded parts (18,21) that connect together to form the elongated body, wherein: (i) the first and second molded parts each have a substantially L-shaped cross section (Fig. 6), are molded separately from each other using a synthetic material (Col. 4 Lines 47-60), and each comprise a mounting portion (base 26) and a side portion (limbs 27,28) extending from the mounting portion in a first direction substantially perpendicular to the mounting portion (Col. 5 Lines 8-10); (ii) the mounting portions of the first and second molded parts overlap when the first and second molded parts are connected to one another (Fig. 6); (iii) the first molded part further comprises a projection (30,31) integrally formed with the mounting portion of the first molded part; (iv) the mounting portion of the second molded part has a cutout (32,33) formed therein for receiving the projection of the first molded part when the first and second molded parts are connected so that the projection engages the mounting portion of the second molded part and secures the first molded part to the second molded part; first and a second sealing elements (19,22), each of said sealing elements being attached to an end of the side portion of the respective first and second molded parts and each being formed from an elastomer (Col. 4 Lines 45-47); and first and a second sealing lips (42,43), each of said lips being disposed on an end of the respective first and second sealing elements, wherein the first and second sealing lips abut opposite sides of the window pane when the window pane pivots into the closed position (Fig. 11); **[claim 23]** wherein the first and second sealing lips each have an arcuate shape and contact each

other within the hollow space when the window pane is in the open position (Fig. 6); **[claims 24, 35]** wherein the first and second molded parts are formed from fiber-reinforced poly(oxy-(2,6-dimethyl)- 1,4-phenylene) (PPE reinforced with various fibers is disclosed; Col. 7 Lines 14-39); **[claims 25, 36, 40]** wherein the first and second sealing elements are formed from ethylene/propylene-diene- copolymer or thermoplastic elastomer (EPDM and TPE are disclosed; Col. 6 Line 53 to Col. 7 Line 5); **[claims 26, 37, 41, 42]** wherein the portions of the first and second molded parts that are attached to the respective first and second sealing elements are coated with styrene-butadiene-rubber (blends including SBR are disclosed; Col. 7 Lines 40-55); **[claims 28, 39, 45, 46]** wherein the first and second molded parts are positively locked together by the projection and the cutout (Col. 5 Lines 60-66).

While it appears that the depth of the hollow space decreases between the first and second end and for the sake of expediting the prosecution of the application, it would have been obvious to one of ordinary skill in the art at the time of the invention to decrease the depth of the hollow space between a first and a second end of the body, since the depth would have been an obvious matter of design choice, and the sealing strip would have functioned equally as well having any depth as well as allowing the space between the window pane and the sealing strip to function properly during opening and closing of the window pane.

6. **Claims 22, 27, 29-34, 38, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchholz (U.S. Patent 6,260,906) in view of Kaye et al. (6,409,251).** Buchholz discloses a sealing strip as set forth above, but does not

disclose wherein at least one of the first and second molded parts comprises a coated surface positioned to contact the window pane when the hollow space receives the portion of the window pane; and the coated surface is coated with an antifriction varnish or is flocked.

Kaye et al. discloses a sealing strip wherein the surfaces which are contacted by the window pane are provided with friction resistant coatings (Col.6 Line 65 to Col. 7 Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention, to provide the sealing strip of Buchholz with the coatings of Kaye et al., in order to reduce resistance between the window pane and the sealing strip (see Kaye et al., Col. 6 Line 65 to Col. 7 Line 3).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent to Dupuy discloses a sealing strip similar to that of applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Thursday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. K./

Examiner, Art Unit 4136

/Jerry Redman/

Primary Examiner, Art Unit 3634